

EXHIBIT ONE

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U.S. DISTRICT COURT
EAST DIST. OF CAL.

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04/05/2007

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10256MEL

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LISA RICCOBENE,

Plaintiff,

V.

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

and ANNE MCCALL,

Defendants.

----- x

DEPOSITION OF CHIEF OF POLICE THOMAS J. O'LOUGHLIN

Thursday, April 5, 2007, 10:25 a.m.

Prince, Lobel, Glovsky & Tyre, LLP

100 Cambridge Street

Boston, Massachusetts

Reporter: Rosemary F. Grogan, CSR, RPR

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1 off and how can they lay her off when she is more
2 seniority than other people in the Department and, you
3 know, they were just out to get her.

4 And she talked about all of the
5 circumstances that we had discussed earlier and, you
6 know, this was a conclusion of, you know, those
7 circumstances. She was very upset. I remember she was
8 heartbroken.

9 Q. Did she say who she thought had made the
10 decision to terminate her employment?

11 A. I don't remember who she said signed the
12 letter. I don't remember who she said signed the
13 letter.

14 Q. Did she say she believed whoever had signed
15 the letter had made the decision to include her in the
16 layoff?

17 A. I remember she read something. You know, she
18 read the letter to me -- as you read some of the
19 information to me, I actually think it was Billy Fleming
20 that said it to me.

21 I don't think it was Lisa the one that
22 said it to me.

23 Q. Officer Fleming said what to you?

24 A. He told me he was called to 10 Park Plaza.

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1 That Mike Mulhearn was there with John Martin. He was
2 handed an envelope/packet with information in it, and he
3 was told that he was to serve that on Lisa and that she
4 was being laid off.

5 Billy, he indicated, he said to John
6 Martin and Mike Mulhearn to the effect, this is wrong.
7 I think he was speaking on her behalf; that, you know,
8 she has seniority over other people. That it's going to
9 be viewed, I think he said, as retaliation. And they
10 told him she was being laid off and he was just to go do
11 it and serve the papers on her.

12 Q. He used the word retaliation?

13 A. I believe he -- yeah, I believe he did.

14 Q. Retaliation for what?

15 A. I believe he was referring to her involvement
16 in the Peixoto matters.

17 Q. Not her association with you?

18 A. I don't believe so.

19 Q. Retaliation by whom?

20 A. I believe Anne McCall and Michael Mulhearn.

21 Q. You believe that's what he meant or that's
22 what you believe?

23 A. I know what he said to me and he didn't say
24 that to me. You asked me --

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1 Q. That's what you believe?

2 A. That's what I believe, yes.

3 Q. That's what you believe he meant?

4 A. Yes.

5 Q. And did you agree?

6 A. Yes.

7 Q. You've already talked a bit about your
8 feelings about Anne McCall. But what about Michael
9 Mulhearn; what makes you believe that Michael Mulhearn
10 retaliated against Lisa Riccobene for her participation
11 in hearings related to Peixoto?

12 A. Because my dealings with Michael Mulhearn
13 were, you're either part of the team or you're not. And
14 if you're not part of the team, then you're an enemy.

15 And part of the team is saying what they
16 want said; not necessarily the truth.

17 Q. And when you use the word, they, are you
18 referring now, again, to Anne McCall and Gregg Lee and
19 Mahoney and the others that you mentioned?

20 A. No, I'm referring to Michael Mulhearn and his
21 superiors.

22 Q. Who are Michael Mulhearn's superiors?

23 A. The person I'm referring to is Kevin Sullivan
24 who is the Secretary of Transportation.

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1 to be. And she said that Lisa was not going to be
2 considered; that they had received information that --
3 posed as more a question to me, was I aware that she was
4 suing the MBTA?

5 Q. Someone in the Personnel Department at the
6 Boston Police told you -- asked you whether you were
7 aware that Lisa Riccobene was suing the T?

8 A. She had said to me -- I said, are the
9 positions going to be filled? Yes, they are going to
10 be. And I said, you know, if you can see, is Lisa still
11 being considered?

12 And she posed to me, asking me, was I
13 aware that Lisa was suing the MBTA? And I told her I
14 was.

15 Q. Was there anything further you discussed with
16 her?

17 A. No, she just said, well, they'll be making
18 their decisions; you know, she would receive a letter,
19 and that was it.

20 Q. Are there any other positions that you're
21 aware of that Miss Riccobene applied for after leaving
22 the T and prior to getting the job in the Medical
23 Examiner's office?

24 A. She had applied for a position with Staples